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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,334	09/30/2003	Zhen Liu	YOR920030104US1	4637

7590 05/30/2008

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ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
05/30/2008	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/674,334
Filing Date: September 30, 2003
Appellant(s): LIU ET AL.

Zhen Liu et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/31/2008 appealing from the Office action mailed 11/01/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,995,503	Crawley et al.	11-1999
5,748,736	Mittra	5-1998
5,355,371	Auerbach et al.	10-1994

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 1, 3-7 and 28** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/674335. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

- the limitation "modifying said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution

levels of said distribution tree." recited on the present application is substantially the same as the limitation "modifying said header as said data packet is distributed down said distribution tree to repair said distribution tree." recited on the copending application #: 10/674335.

3. **Claims 8, 9-27, 29-31** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 9-32 of copending Application No. 10/674335 in view of **Auerbach et al. (patent no.: US 5,355,371).**

4. The instant claims of the present application do not explicitly disclose detecting failed nodes and remove the failed nodes. However, Auerbach discloses detecting failed nodes and remove failed nodes (Auerbach, col. 10, lines 18-34, noted that the Tree leader recognizes the possible node failure and remove them from the tree). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the instant claims of the present invention to include the feature of detecting failed nodes and removing the failed node as taught by Auerbach with motivation being that it provides better quality of service in delivering packets from one node to another.

5. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims of present application	Claims of application #: 10/674335
Claim 1. A method of establishing transmission headers for stateless group communication of data packets to nodes in a distribution tree, said method comprising:	**Claim 1.** A method of stateless group communication and repair of data packets to nodes in a distribution tree, said method comprising:

encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree; and adding said header to a data packet to be distributed to said distribution tree. modifying said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution levels of said distribution tree.	encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree; adding said header to a data packet to be distributed to said distribution tree; and modifying said header as said data packet is distributed down said distribution tree to repair said distribution tree.
Claim 8. A method of establishing transmission headers for stateless group communication of data packets to nodes in a distribution tree, said method comprising: encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree; and adding said header to a data packet to be distributed to said distribution tree, processing said encoded distribution tree at each node, thereby indicating to which node said data packet should be next transferred. modifying said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution levels of said distribution tree.	**Claim 9**. A method of stateless group communication of data packets to nodes in a distribution tree, said method comprising: encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree; adding said header to a data packet to be distributed to said distribution tree; detecting failed nodes down said distribution tree; modifying said header as said data packet is distributed down said distribution tree to skip said failed node and remove said failed node from said encoded distribution tree.
Claim 15. A method of stateless group	**Claim 17.** A method of stateless group

communication of data packets to nodes in a distribution tree, said method comprising: encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree; and adding said header to a data packet to be distributed to said distribution tree; decoding a portion of said encoded distribution tree as a node receives said data packet; and re-encoding said encoded distribution tree as said node passes said data packet to another node down said distribution tree, wherein said decoding and re-encoding modifies said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution levels of said distribution tree.	communication of data packets to nodes in a distribution tree, said method comprising: encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree; adding said header to a data packet to be distributed to said distribution tree; detecting failed nodes down said distribution tree; modifying said header as said data packet is distributed down said distribution tree to pass said data packet around said failed node.
Claim 21. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform a method of establishing transmission headers for stateless group communication of data packets to nodes in a distribution tree, said method comprising: encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree; and	**Claim 25.** A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform a method of extracting circuit characteristics from a circuit design, said method comprises establishing transmission headers for stateless group communication of data packets to nodes in a distribution tree, said method comprising: encoding said distribution tree to produce an encoded distribution tree; creating a header including said encoded distribution tree;

adding said header to a data packet to be distributed to said distribution tree. modifying said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution levels of said distribution tree.	adding said header to a data packet to be distributed to said distribution tree; detecting failed nodes down said distribution tree; modifying said header as said data packet is distributed down said distribution tree to skip said failed node and remove said failed node from said encoded distribution tree.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4-8, 11-14, 21, 24-29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by **Crawley et al. (Patent no.: US 5,995,503)**.

With respect to **claim 1,** Crawley teaches a method of establishing transmission sheaders for stateless group communication of data packets to nodes in a distribution tree (Crawley, figures 11 and 12), said method comprising:

encoding said distribution tree to produce an encoded distribution tree (Crawley, col. 10, lines 48-60 and col. 11, lines 1-8, noted that distribution tree is encoded);

creating a header including said encoded distribution tree (Crawley, col. 10, lines 38-60, noted that an Explicit Routing Advertisement (ERA) header); and

adding said header to a data packet to be distributed to said distribution tree (Crawley, fig. 11, col. 10, lines 38-45, noted that ERA header is encapsulated in the ERA 252 information),

wherein said nodes in said distribution tree lack group state information (Crawley: abstract, col. 1, lines 12-29, and col. 2, lines 34-45); and

modifying said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution levels of said distribution tree (Crawley, col. 10 lines 30-37, and col. 11 line 61 to col. 12 line 8, noted that the ERA header is adjusted as the ERA data is distributed to other hops in the network.).

With respect to **claim 4,** Crawley teaches the method in claim 1, wherein said distribution tree controls the order in which said nodes receive said data packets (Crawley, col. 10, line 61 to col. 11, line 8, noted that the node is constructed in order).

Consider **claim 5,** Crawley teaches the method in claim 4, wherein by controlling the order in which said nodes receive said data packets, said encoded distribution tree permits said nodes to process said data packets upon receipt (Crawley, col. 11,lines 3-15, noted that the first hop router performs the path calculations).

With respect to **claim 6,** Crawley teaches the method in claim 1, further comprising, prior to said encoding process, creating said distribution tree at a sender node based upon a dynamic group of receiver nodes (Crawley, col. 10, lines 56-59).

With respect to **claim 7,** Crawley teaches the method in claim 1, wherein said encoding comprises sequentially entering addresses of nodes during a per-level

traversal of said distribution tree starting from the root of said distribution tree (Crawley, col. 11, lines 1-8, noted that the routers are arranged in sequentially order).

With respect to **claim 8,** Crawley, teaches a method of establishing transmission headers for stateless group communication of data packets to nodes in a distribution tree (Crawley, figures 11 and 12), said method comprising:

encoding said distribution tree to produce an encoded distribution tree (Crawley, col. 10, lines 48-60 and col. 11, lines 1-8, noted that distribution tree is encoded);

creating a header including said encoded distribution tree (Crawley, col. 10, lines 38-60, noted that an Explicit Routing Advertisement (ERA) header); and

adding said header to a data packet to be distributed to said distribution tree (Crawley, fig. 11, col. 10, lines 38-45, noted that ERA header is encapsulated in the ERA 252 information),

wherein said nodes in said distribution tree lack group state information (Crawley: abstract, col. 1, lines 12-29, and col. 2, lines 34-45);

processing said encoded distribution tree at each node of said nodes, thereby indicating to which node of said nodes said data packet should be next transferred (Crawley, col. 10, line 61 to col. 11, line 8, noted that the process of encoding the distribution tree is traversed down the tree in a preorder arrangement of the node); and

modifying said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution levels of said distribution tree (Crawley, col. 10 lines 30-37, and col. 11 line 61 to col. 12 line 8, noted

that the ERA header is adjusted as the ERA data is distributed to other hops in the network.).

With respect to **claim 11** the limitations of this claim are substantially the same as those in claim 4. Therefore the same rationale for rejecting claim 4 is used to reject claim 11. By this rationale **claim 11** is rejected.

With respect to **claim 12** the limitations of this claim are substantially the same as those in claim 5. Therefore the same rationale for rejecting claim 5 is used to reject claim 12. By this rationale **claim 12** is rejected.

With respect to **claim 13** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 13. By this rationale **claim 13** is rejected.

With respect to **claim 14** the limitations of this claim are substantially the same as those in claim 7. Therefore the same rationale for rejecting claim 7 is used to reject claim 14. By this rationale **claim 14** is rejected.

Claim 21 lists all the same elements of **claim 1**, but in computer program instructions form rather than method form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 21**.

With respect to **claim 22** the limitations of this claim are substantially the same as those in claim 2. Therefore the same rationale for rejecting claim 2 is used to reject claim 22. By this rationale **claim 22** is rejected.

With respect to **claim 24** the limitations of this claim are substantially the same as those in claim 4. Therefore the same rationale for rejecting claim 4 is used to reject claim 24. By this rationale **claim 24** is rejected.

With respect to **claim 25** the limitations of this claim are substantially the same as those in claim 5. Therefore the same rationale for rejecting claim 5 is used to reject claim 25. By this rationale **claim 25** is rejected.

With respect to **claim 26** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 26. By this rationale **claim 26** is rejected.

With respect to **claim 27** the limitations of this claim are substantially the same as those in claim 7. Therefore the same rationale for rejecting claim 7 is used to reject claim 27. By this rationale **claim 27** is rejected.

With respect to **claim 28,** Crawley teaches the program storage device in claim 21, wherein said lack of said group state information reduces a signaling of a control path and adds flexibility of dynamic modification of said communication trees (Crawley: col. 1, lines 30-54).

With respect to **claim 29** the limitations of this claim are substantially the same as those in claim 28. Therefore the same rationale for rejecting claim 28 is used to reject claim 29. By this rationale **claim 29** is rejected.

With respect to **claim 31** the limitations of this claim are substantially the same as those in claim 28. Therefore the same rationale for rejecting claim 28 is used to

reject claim 31. By this rationale **claim 31** is rejected.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 3, 10, 15, 17-20, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Crawley et al. (Patent no.: US 5,995,503)** in view of **Mittra (Patent no.: US 5,748,736).**

With respect to **claim 3**, Crawley teaches all the claimed limitations except that he does not explicitly teach a method of decoding a portion of the distribution tree and re-encoding the distribution tree.

In the same field of endeavor, Mittra teaches a method of decoding a portion of the distribution tree and re-encoding the distribution tree (Mittra, col. 14, lines 11-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of decoding a portion of the distribution tree and re-encoding the distribution tree as taught by Mittra in Crawley's invention with motivation being that it provides a stronger encryption algorithm in encoding the data transmission of the distribution tree.

With respect to **claim 10,** the limitations of this claim are substantially the same as those in claim 3. Therefore the same rationale for rejecting claim 3 is used to reject claim 10. By this rationale **claim 10** is rejected.

With respect to **claim 15,** Crawley teaches a method of stateless group communication of data packets to nodes in a distribution tree (Crawley, figures 11 and 12), said method comprising:

encoding said distribution tree to produce an encoded distribution tree (Crawley, col. 10, lines 48-60 and col. 11, lines 1-8, noted that distribution tree is encoded);

creating a header including said encoded distribution tree (Crawley, col. 10, lines 38-60, noted that an Explicit Routing Advertisement (ERA) header); and

adding said header to a data packet to be distributed to said distribution tree (Crawley, fig. 11, col. 10, lines 38-45, noted that ERA header is encapsulated in the ERA 252 information),

wherein said nodes in said distribution tree lack group state information (Crawley: abstract, col. 1, lines 12-29, and col. 2, lines 34-45),

modify said header as said data packet is distributed down said distribution tree to remove encoded information concerning upper distribution levels of said distribution

tree (Crawley, col. 10 lines 30-37, and col. 11 line 61 to col. 12 line 8, noted that the ERA header is constructed by traversing the tree and it is used to remove the routing information).

However, Crawley does not explicitly teach a method of decoding a portion of the distribution tree and re-encoding the distribution tree.

In the same field of endeavor, Mittra teaches a method of decoding a portion of the distribution tree and re-encoding the distribution tree (Mittra, col. 14, lines 11-19).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of decoding a portion of the distribution tree and re-encoding the distribution tree as taught by Mittra in Crawley's invention with motivation being that it provides a stronger encryption algorithm in encoding the data transmission of the distribution tree.

With respect to **claim 17,** Crawley teaches the method in claim 15, wherein said distribution tree controls the order in which said nodes receive said data packets (Crawley, col. 10, line 61 to col. 11, line 8, noted that the node is constructed in order).

With respect to **claim 18,** Crawley teaches the method in claim 17, wherein by controlling the order in which said nodes receive said data packets, said encoded distribution tree permits said nodes to process said data packets upon receipt (Crawley, col. 11,lines 3-15, noted that the first hop router performs the path calculations).

With respect to **claim 19,** Crawley teaches the method in claim 15, further comprising, prior to said encoding process, creating said distribution tree at a sender node based upon a dynamic group of receiver nodes (Crawley, col. 10, lines 56-59).

With respect to **claim 20,** Crawley teaches the method in claim 15, wherein said encoding comprises sequentially entering addresses of nodes during a per-level traversal of said distribution tree starting from the root of said distribution tree (Crawley, col. 11, lines 1-8, noted that the routers are arranged in sequentially order).

With respect to **claim 23,** the limitations of this claim are substantially the same as those in claim 3. Therefore the same rationale for rejecting claim 3 is used to reject claim 23. By this rationale **claim 23** is rejected.

With respect to **claim 30,** Crawley teaches the program storage device in claim 15, wherein said lack of said group state information reduces a signaling of a control path and adds flexibility of dynamic modification of said communication trees (Crawley: col. 1, lines 30-54).

(10) Response to Argument

11. Appellant's arguments toward the 112 rejections have been fully considered and are persuasive. The 112 rejections have been withdrawn.

Appellant argues claims 1, 8, and 21

12. On pages 25- 26 of Appellant's Appeal Brief, Appellant argues that "the "ERA header" of Crawley (which the Office Action asserts teaches the "header" of the claimed invention) does not include an encoded distribution tree. Rather, the encoded distribution tree in Crawley is positioned in the "body" of the ERA." This argument is not deemed persuasive.

In response to Appellant's argument, the examiner would like to clarify that the "encoding of a distribution tree" recited in the present claim is not a physical or viewable tree; rather it is a mechanism/algorithm to encode a data routing path in a communication tree, which is then applied to a communication node in processing a data header of a data packet and routing the data packet in the distribution tree. Similarly, in the analogous art of Crawley, Crawley teaches a router generating an Explicit Routing Advertisement (ERA) data packet containing the calculated distribution tree of data routing information (Crawley, col. 9, lines 55-65 and col. 10, lines 56-60). This teaching of Crawley is substantially equivalent to the processing and routing of a data packet in a distribution tree. Therefore, presently claimed invention is not patentable over Crawley.

13. On pages 26-27 of Appellant's Appeal Brief, Appellant argues that "nothing within Crawley teaches or suggests that the ERA header (or the ERA body) is added to a data packet to be distributed to the distribution tree." Furthermore, Appellant argues that "the ERA header of Crawley is not added to a data packet to be distributed to the distribution tree". These arguments are not deemed persuasive.

In response to Appellant's argument, first the examiner would like to clarify that such teaching can be found in Crawley's disclosure. Crawley explicitly teaches generating an Explicit Routing Advertisement (ERA) data packet containing routing information and ERA data (Crawley: fig. 11) which is then distributed to other routers in the distribution tree (Crawley: col. 9, lines 55-65 and col. 10, lines 30-37).

Second, the examiner has reviewed Crawley's entire disclosure numerous times, but nowhere does Crawley describe dividing or splitting the data header from the data packet and then adding the header back to the data packet. It appears to the examiner, that the Appellant has misinterpreted and misunderstood Crawley's invention. What is taught by Crawley is that a router generates an Explicit Routing Advertisement (ERA) data packet (Crawley: fig. 11) containing routing information, which is then distributed to other routers in the distribution tree (Crawley: col. 9, lines 55-65 and col. 10, lines 30-37). It is clear from figure 11 of Crawley, when the data packet is generated the data header is inherently created at the same time. Thus, the examiner equates such teaching with "adding said header to a data packet to be distributed to said distribution tree," as recited in claims 1, 8 and 21. Hence, Crawley anticipates the features of claims 1, 8 and 21.

14. On pages 25-28 of Appellant's Appeal Brief, Appellant argues that "Crawley does not teach or suggest "stateless" group communication". Furthermore, Appellant has reviewed column 1, paragraphs 3-6 of Crawley's disclosure and argues that Crawley's invention is contrary to Appellant's invention and asserts that "Crawley discloses "stateful" group communication". These arguments are not deemed persuasive.

First, in response to Appellant's arguments, the recitation "*stateless group communication*" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where

the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Second, the examiner has reviewed Crawley's entire disclosure numerous times, but nowhere does Crawley explicitly claim his invention is in the field of "stateful" group of communication. It appears to the examiner, that the Appellant has misinterpreted and misunderstood Crawley's invention. Appellant asserts that Crawley teaches a "stateful" group communication because the fact that "by advertising the existence of network links to other nodes (or routers) in a network, each router learns the topology of the network" as disclosed in column, paragraphs 3-4 of Crawley. In another words, the Appellant claims that if one node learns the network link of another node, so that they can communicate with each other, such group of communication is stateful. Contradictorily, the support for "stateless" group communication illustrated in Appellant's Specification is substantially the same as the definition of "stateful" that Appellant claims to be. More specifically, as described in the publication of Appellant's application page 2, paragraph 20, "the group communications that are used with the invention provide that *the sender* {first node} has *full knowledge* of each receiver's {second node} addresses (e.g., node address). Each new receiver joins the distribution tree by *communicating* to the sender their location (network address) ..." (emphasis added). It is noted to the examiner, such specification disclosure are read light into the claims, however, the examiner still took it into consideration as a guidance in conducting the

prior art search of the present application, in which the reference of Crawley is one of the search results.

It is clear in view of the above; that Appellant has self-contradicted the arguments with the specification by attempting to change the scope of the present invention by redefining the definition of "stateless" group communication, wherein the support for such redefinition is not presently supported by the specification. If such redefined scope of the invention were intended for the present application then this would call the enablement of the specification into question.

In addition, in response to Appellant's argument that "Crawley does not teach or suggest "*stateless*" group communication." The examiner disagrees. Crawley explicitly teaches a *connectionless* network having multiple nodes (Crawley: abstract). Examiner has relied upon the entire reference for the rejection of the present invention. Therefore, Crawley anticipates claims 1, 8 and 21.

Appellant argues claims 28, 29 and 31

15. Appellant's arguments toward these claims are substantially the same as those directed toward claims 1, 8 and 21, which the examiner has responded above. Appellant does not provide any other arguments that distinguish over the reference of Crawley, therefore the present rejection should be affirmed.

Appellant argues claims 6, 13 and 26

16. On pages 30-31 of Appellant's Appeal Brief, Appellant argues that "nothing within Crawley mentions that such nodes are "dynamic", hence Appellant submitted that "Crawley does not create a distribution tree based upon a dynamic group of receiver nodes". These arguments are not deemed persuasive.

17. The examiner interprets the "receiver nodes" as routers in Crawley's invention. Therefore, the examiner would like to address that Crawley does explicitly teach that these nodes are dynamic (Crawley: column 1, lines 30-40). Noted that the routers of Crawley run the OSPF protocol, wherein the OSPF protocol is a dynamic routing protocol. Therefore again the reference Crawley anticipates this feature.

Appellant argues claims 4, 5, 7, 11, 12, 14, 24, 25, and 27

18. Appellant's arguments toward these claims are relied upon the arguments addressed in claims 1, 8 and 21, therefore again the reference Crawley anticipates these features.

Appellant argues claim 15

19. Appellant's arguments toward this claim are substantially the same as those directed toward claims 1, 8, and 21, which the examiner has responded above. Furthermore, the examiner would like to address that the secondary reference Mittra is introduced to remedy the deficiency of not having the limitation of "decoding a portion of the distribution tree and re-encoding the distribution tree" by Crawley's invention.

In addition, on page 34 of Appellant's Appeal Brief, Appellant argues that "it should be noted that the invention does not protect against traffic analysis as a method of gaining information about group membership". It is noted to the examiner such limitations are not explicitly recited in the present claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the combination of Crawley and Mittra teaches Appellant's presently claimed invention.

Appellant argues claim 30

20. Appellant's arguments toward this claim are substantially the same as those directed toward claims 1, 8, 15 and 21, which the examiner has responded above. Appellant does not provide any other arguments that distinguish over the combination of Crawley and Mittra, therefore the present rejection should be affirmed.

Appellant argues claims 3, 10, 17-19, 20, and 23

21. Appellant's arguments toward these claims are relied upon the arguments addressed in claims 1, 8, 15 and 21, therefore again the combination of Crawley and Mittra anticipates these features.

(11) Related Proceeding(s) Appendix

22. No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/L. L./

/Lin Liu/

Examiner, Art Unit 2145

Conferees:

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2141